

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROBIN L. ZEIGLER,

Plaintiff,

No. 3:12-cv-00487-HZ

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

ORDER

Defendant.

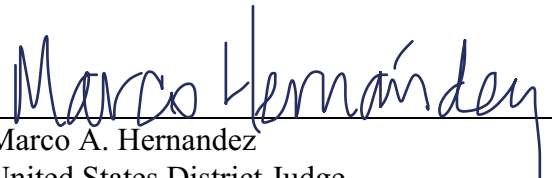
Plaintiff Robin Zeigler brought this action seeking review of the Commissioner's final decision to deny her disability insurance benefits (DIB). In an August 23, 2013, Opinion & Order, I reversed the Commissioner's decision, concluding that: (1) the Administrative Law Judge (ALJ) had improperly rejected Plaintiff's testimony; (2) the ALJ improperly rejected the opinion of Mark Czarnecki, D.O., Plaintiff's treating physician; and (3) the ALJ improperly rejected the testimony of Plaintiff's wife, Caroline Zeigler. I ordered that the ALJ's decision be reversed and the case be remanded for the immediate award of benefits. Judgment was entered on August 23, 2013.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has no objection to the request. I have reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002), I find the requested fees reasonable.

I grant the motion [#24] and award Plaintiff's counsel \$12,906 in attorney's fees under 42 U.S.C. § 406(b). Previously, I awarded Plaintiff attorney's fees in the amount of \$4,855.04 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA and send Plaintiff's attorney the balance of \$8,050.96, less any applicable processing fees as allowed by statute.

IT IS SO ORDERED.

Dated this 11 day of November, 2014

  
Marco A. Hernandez  
United States District Judge